

Exhibit “A”

Fred W. Schwinn (SBN 225575)
CONSUMER LAW CENTER, INC.
12 South First Street, Suite 1014
San Jose, California 95113-2418
Telephone Number: (408) 294-6100
Facsimile Number: (408) 294-6190
Email Address: fred.schwinn@sjconsumerlaw.com

Attorney for Plaintiff
BRUCE ALBERT JOHNSON

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BRUCE ALBERT JOHNSON,

Plaintiff,

v.

CFS II, INC., an Oklahoma corporation,

Defendant.

Case No. 5:12-CV-01091-LHK-PSG

**PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS
PROPOUNDED TO DEFENDANT,
CFS II, INC.**

TO: CFS II, Inc.
c/o Mario F. Botkin
Chandler, Potter & Associates
3800 Orange Street, Suite 270
Riverside, CA 92501

COMES NOW Plaintiff and pursuant to Rule 34 of the Federal Rules of Civil Procedure requests that Defendant, CFS II, INC., allow Plaintiff to inspect and copy the following documents. Said production to be made at the law offices of the Consumer Law Center, Inc., 12 South First Street, Suite 1014, San Jose, California 95113-2418, within thirty (30) days of the service of this request. In the alternative, copies of these documents may be forwarded to Plaintiff's counsel prior to the expiration of this time period.

INSTRUCTIONS

A. You are instructed to produce the originals of the following documents at 12 South First

1 Street, Suite 1014, San Jose, California 95113-2418 within 30 days after service of this request in
2 accord with Fed. R. Civ. P. 34.

3 B. Please identify the source of each of the documents you produce and label them to
4 correspond to the categories in this request.
5

6 C. If there are documents not currently in your possession, but which you can obtain from
7 other parties involved in the transaction, (e.g. original creditor, current creditor, prior collection agency,
8 or assignee) such additional documents are included in this request.

9 D. If your response to any requests herein is that the documents are not in your possession
10 or custody, describe in detail the unsuccessful efforts you made to locate the records.
11

12 E. If your response to any requests herein is that the documents are not in your control,
13 identify who has control and the location of the records, and provide any documents you have that
14 contain all or part of the information contained in the requested document or category.

15 F. If any requested document was, but no longer is in your possession or subject to your
16 control, or has been misplaced, destroyed or discarded, or otherwise disposed of, please so state, and for
17 each such document provide:
18

- 19 1. Its date;
- 20 2. The identity of the person(s) who prepared the document;
- 21 3. The identity of all persons who participated in preparing the document, to whom
22 the document was sent or who have otherwise seen the document;
- 23 4. The length of the document;
- 24 5. The subject matter of the document;
- 25 6. If misplaced, the last time and place it was seen and a description of efforts made
26 to locate the document;
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1 7. If disposed of, the date of and reason for disposal, the manner of disposition (e.g.,
2 destroyed, transferred to a third party), the reason for disposal, the identity of the person(s) who
3 authorized disposal and the identity of the person who disposed of the document.

4 G. If you are declining to produce any document in whole or in part because of a claim of
5 privilege, please:
6

7 1. Identify the subject matter, the type (e.g., letter, memorandum), the date, and the
8 author of the privileged communication or information, all persons that prepared or sent it, and all
9 recipients or addressees;

10 2. Identify each person to whom the contents of each such communication or item
11 of information have heretofore been disclosed, orally or in writing;
12

13 3. State what privilege is claimed;

14 4. State the basis upon which the privilege is claimed.

15 H. When a document exists as a computer database or spreadsheet file, Plaintiff requests
16 that the file be copied to a disk in one of the following formats in descending order of preference: ODS,
17 QPW or XLS.
18

19 I. When a document exists in a computer disk as a word processing file, Plaintiff requests
20 that the file be copied to a floppy disk in one of the following formats in descending order of
21 preference: ODT, WPD, DOC or TXT.

22 J. The Document Requests are to be considered continuing, and supplemental documents
23 must be submitted by Defendant upon discovering or becoming aware of additional responsive
24 documents.
25

26 K. If any paragraph of this request is believed to be ambiguous or unduly burdensome,
27 please contact the undersigned and an effort will be made to remedy the problem.
28

1 L. Unless otherwise stated, the relevant time period is January 1, 2010, to the present.

2 **DEFINITIONS**

3 A. The terms "YOU" or "YOUR" shall mean CFS II, INC., and all persons acting on behalf
4 of such party, including but not limited to all past or present employees, agents, servants, investigators,
5 attorneys or other representatives.

6
7 B. "DOCUMENT" is used in the broadest possible sense and means, without limitation,
8 any written, printed, typed, digitized, photostated, photographic, computerized, recorded, or otherwise
9 reproduced communication or representation, whether comprised of letters, words, numbers, pictures,
10 sounds or symbols, or any combination thereof. It includes the original and any nonidentical copies
11 thereof, whether different from the originals by reason of any notation made on such copies or
12 otherwise, and includes every document that is or has been in the possession, control, or custody of
13 Defendant or of which Defendant has knowledge, whether originals or copies. It includes but is not
14 limited to contracts, notes, memoranda, correspondence, diaries, desk or other calendars, statistics,
15 letters, telegrams, minutes, business records, personal records, account statements, reports, studies,
16 checks, receipts, bills, returns, charts, summaries, pamphlets, books, notations of any sort of
17 conversations, written agreements, bulletins, printed matter, computer printouts, electronic mail, data
18 compilations from which information can be obtained, teletypes, telefax, worksheets, logs, forms, bank
19 statements, books of account, ledgers, or invoices, all drafts, alterations, modifications, changes and
20 amendments of any of the foregoing, graphic or oral records or representations of any kind, including
21 but not limited to tapes, cassettes, discs, recordings, computer memories, and other information that is
22 recorded electronically, digitally, or by similar means.

23
24 C. The term "ELECTRONICALLY SAVED INFORMATION" or "ESI" refers to all
25 information of all kinds maintained by electronic data processing systems including all non-identical
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1 copies of such information. ESI includes, but not limited to, computer programs (whether private,
2 commercial or work in progress), programming notes or instructions, and input and/or output used or
3 produced by any software program or utility, including electronic mail messages and all information
4 referencing or relating to such message anywhere on the computer systems, word processing documents
5 and all information stored in connection with such documents, electronic spreadsheet, databases
6 including all records and fields and structural information, charts, graphs and outlines, arrays of
7 information and all other information used or produced by any software, operating systems, password,
8 source code of all types, programming languages, linkers and compilers, peripheral drivers, PIFs, PDFs,
9 GIFs, batch files, any and all ASCII files, and all miscellaneous files and/or file fragments, regardless
10 of the media on which they reside and regardless of whether said ESI consists in an active file, deleted
11 file or file fragments. The term ESI also includes the file, folder tabs and/or containers and labels
12 appended to, or associated with, any physical storage device associated with the information described
13 above. ESI subject to production includes information stored on both personal and company-issued or
14 owned desktop or laptop computers, PDA (include Blackberries, Treos, Palm Pilots, iPhones, iPads and
15 other functional equivalents), cellular phones, databases, hard drives, servers, back-up tapes, archival
16 tapes, voice mail memories, website log files, hard discs, floppy disks, CD-ROMs, and any other means
17 or vehicle or ESI storage and/or transmittal.

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19 D. The term "PERSON" shall include a natural person, partnership, corporation, joint
20 venture, association, or other group however organized.

21 REQUESTS TO PRODUCE

22 IMPORTANT: All questions containing the terms "DOCUMENT," "ESI," or "PERSON" must
23 be answered in accordance with the definitions of those terms contained in the attached instructions.

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REQUESTS FOR PRODUCTION

1. All DOCUMENTS on which you relied in anyway in preparing answers to Plaintiff's interrogatories served simultaneously herewith.
2. All DOCUMENTS which you specially mention in any answer to Plaintiff's interrogatories served simultaneously herewith.
3. All DOCUMENTS which were specifically mentioned or requested in the text of any of Plaintiff's interrogatories served simultaneously herewith.
4. All DOCUMENTS which you intend to utilize at a trial or hearing in this matter.
5. All DOCUMENTS identified or listed in YOUR Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1) in this case.
6. All DOCUMENTS relating in any way to the alleged debt of Plaintiff and the collection thereof.
7. An organizational chart for Defendant, CFS II, INC.
8. All contracts, agreements, or other DOCUMENTS between Defendant, CFS II, INC., and Tomi Enterprise regarding Plaintiff and collection of his debt.
9. Copies of the Complaint for any litigation filed against Defendant, CFS II, INC., in the past 3 years alleging violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692e.
10. Copies of the Complaint for any litigation filed against Defendant, CFS II, INC., in the past 3 years alleging violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692e(10).
11. Copies of the Complaint for any litigation filed against Defendant, CFS II, INC., in the past 3 years alleging violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692g(a)(3).
12. Copies of the Complaint for any litigation filed against Defendant, CFS II, INC., in the past 3

years alleging violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692g(a) (4).

13. Copies of the Complaint for any litigation filed against Defendant, CFS II, INC., in the past 3 years alleging violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692g(a) (5).

14. Copies of the Complaint for any litigation filed against Defendant, CFS II, INC., in the past 3 years alleging violations of the California Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1788.17.

15. Any insurance policies covering Defendant, CFS II, INC., for violation of the federal Fair Debt Collection Practices Act.

16. Any insurance policies covering Defendant, CFS II, INC., for violation of the California Rosenthal Fair Debt Collection Practices Act.

17. All DOCUMENTS in Defendant, CFS II, INC.'s, possession sent to or received from Tomi Enterprise which in any way relate to the debt owed by Plaintiff.

18. All DOCUMENTS in Defendant, CFS II, INC.'s, possession sent to or received from Plaintiff which in any way relate to the debt owed by Plaintiff.

19. All operation manuals or similar DOCUMENTS, etc., utilized by Defendant, CFS II, INC., relating to its compliance with the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692e, 1692e(10), 1692g(a)(3), 1692g(a)(4) or 1692g(a)(5).

20. All DOCUMENTS relating to the maintenance of procedures by Defendant, CFS II, INC., adapted to avoid any violation of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692e, 1692e(10), 1692g(a)(3), 1692g(a)(4) or 1692g(a)(5).

21. All operation manuals or similar DOCUMENTS, etc., utilized by Defendant, CFS II, INC.,

1 relating to its compliance with the California Rosenthal Fair Debt Collection Practices Act,
2 California Civil Code § 1788.17.

3 22. All DOCUMENTS relating to the maintenance of procedures by Defendant, CFS II, INC.,
4 adapted to avoid any violation of the California Rosenthal Fair Debt Collection Practices Act,
5 California Civil Code § 1788.17.
6

7 23. All material, including video and audio tapes, pertaining to training by or for Defendant, CFS II,
8 INC., and its employees regarding the federal Fair Debt Collection Practices Act, 15 U.S.C. §
9 1692, *et seq.*
10

11 24. All material, including video and audio tapes, pertaining to training by or for Defendant, CFS II,
12 INC., and its employees regarding the California Rosenthal Fair Debt Collection Practices Act,
13 California Civil Code §§ 1788-1788.33.

14 25. A copy of the entire contents of the collection file maintained by Defendant, CFS II, INC.,
15 pertaining to the collection of the debt owed by Plaintiff to Tomi Enterprise.
16

17 26. The transcript for each and every deposition of Defendant, CFS II, INC., in which a witness
18 produced pursuant to Fed. R. Civ. P. 30(b)(6), Cal. Code of Civil Procedure § 2025.230, or any
19 other similar statute or rule, testified regarding any *bona fide* error defense claimed by
20 Defendant, CFS II, INC., for claims made under the federal Fair Debt Collection Practices Act,
21 15 U.S.C. §§ 1692e, 1692e(10), 1692g(a)(3), 1692g(a)(4) or 1692g(a)(5).
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23 27. The transcript for each and every deposition of Defendant, CFS II, INC., in which a witness
24 produced pursuant to Fed. R. Civ. P. 30(b)(6), Cal. Code of Civil Procedure § 2025.230, or any
25 other similar statute or rule, testified regarding any *bona fide* error defense claimed by
26 Defendant, CFS II, INC., for claims made under the California Rosenthal Fair Debt Collection
27 Practices Act, California Civil Code § 1788.17.
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- 1 28. A current balance sheet for Defendant, CFS II, INC.
- 2 29. All financial documents from lawsuits in which Defendant, CFS II, INC., has provided financial
- 3 documents or net worth information.
- 4
- 5 30. All documents regarding Defendant, CFS II, INC., showing its net worth that have been
- 6 provided to any government agency.
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- 8 31. All financial statements of Defendant, CFS II, INC., for the last three years.
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- 10 32. All annual reports of Defendant, CFS II, INC., for the last three years.
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- 12 33. All semiannual and quarterly financial statements of Defendant, CFS II, INC., for that last three
- 13 years.
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- 15 34. All credit applications of Defendant, CFS II, INC., for the last three years.
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- 17 35. All tax returns of Defendant, CFS II, INC., for the last three years.
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- 19 36. Any and all corporate formation documents related to any entity of which Defendant, CFS II,
- 20 INC., is affiliated.
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Dated: May 24, 2012

CONSUMER LAW CENTER, INC.

By: 

Fred W. Schwinn, Esq.
Attorney for Plaintiff
BRUCE ALBERT JOHNSON

CERTIFICATE OF SERVICE

The undersigned, Fred W. Schwinn, does hereby certify that he caused a true and correct copy of the above and foregoing document to be deposited in the United States mail, postage prepaid, addressed to the following:

Mario F. Botkin
Chandler, Potter & Associates
3800 Orange Street, Suite 270
Riverside, CA 92501

on this, the 24th day of May, 2012.



Fred W. Schwinn

CFS II

2488 E. 81st. Street
Suite 500
Tulsa, OK 74137
888-394-3951

March 4, 2011

Bruce A. Johnson
275 Burnett Ave SPC 115
Morgan Hill, CA 95037

Dear Bruce A. Johnson:

Tomi Enterprise - Doug Araki. has purchased and been assigned ownership of the debt listed below. Our office has been retained to collect this debt.

Original Creditor Name: **US BANK**
Card Name: **Visa Platinum**
Original Card Number: **4037840016404988**
Type of Obligation: **Credit card**
Credit Card Opened: **02/01/2008**
Last Payment:
Our Account Number: **102162**
Current Total Balance: **\$5,719.13**

Our records indicate that you are obligated on the account and that it is currently in default.

Federal law provides you certain rights and protections regarding the collection of this debt. To learn more about these rights we encourage you to visit this Federal Trade Commission website:

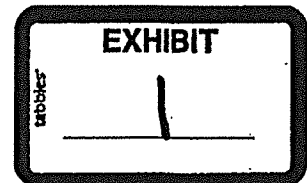
<http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre18.shtm>

To help you identify this debt we have provided above the name and address of the original creditor and other information. If you need more information, just let us know. Also, if you believe this is not your debt, that the amount is wrong, or if there is something else that may make the debt invalid, please tell us you dispute the debt. If you tell us of your dispute within 30 days of your receipt of this letter, we will avoid contacting you until we send written verification of the debt or a copy of any applicable judgment. If you do not tell us you dispute the debt then we will assume the debt is valid.

Please call us at the number below to discuss your payment options, or you can send payment to the address listed below. If you have already paid in full or you are represented by an attorney regarding this debt, please let us know details of your payment or contact information for your attorney and we will not contact you again.

We look forward to hearing from you and to you taking care of this matter.

Sincerely,
Brain Brophy
CFS II



Notice: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

Our office and mailing address is 2488 E. 81st St. Suite 500 Tulsa, OK 74137. You can reach us toll-free at 888-394-3951 from 8am to 8pm Central Time. Our local number is 918-394-3950.

In case you have a complaint about any aspect of our collection efforts on this account, please contact Ms. Jessica Allsop at our office. She can be reached at jallsop@cfstwo.com or at 888-394-3951.

This communication is from a debt collector and is an attempt to collect a debt. Any information we obtain will be used for that purpose.

Special notice for residents of California:

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using means of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

Special notice for residents of Colorado

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COLORADOATTORNEYGENERAL.GOV/CA

A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.

Special notice for residents of Illinois: We do business in Illinois as CFS II of Oklahoma, Inc.

Special notice for residents of Iowa: We do business in Iowa as CFS II of Oklahoma, Inc.

Special notice for residents of Massachusetts: We do business in Massachusetts as Oklahoma CFS II.

Special notice for residents of Missouri: We do business in Missouri as CFS II of Oklahoma, Inc.

Special notice for residents of New York City

We are licensed by the New York City Department of Consumer Affairs and our License Number is 1373571

Special notice for residents of Texas: We do business in Texas as CFS II of Oklahoma, Inc.

Special notice for residents of Utah

As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations. We will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the time period described on the front of this letter.

CFS II

WHO IS CFS II?

CFS II is not your typical debt-collection company because I'm not your typical company owner. My name is Bill Bartmann and here are some facts about me:

- I was one of eight children. My father was a janitor and mother cleaned houses for a living.
- Our family was evicted more than once because the places we lived were declared "unfit for human habitation."
- I joined the carnival at 14 and roamed the country. At times I lived under bridges and ate out of dumpsters.
- I joined a street gang and became an alcoholic by age 17.
- One night while drunk I fell down a flight of stairs and became paralyzed from the waist down. The doctor assured me that I'd never walk again.
- Eventually I walked out of the hospital and got a job at a hog slaughterhouse, where I worked for 6 years.
- I organized a wildcat strike at the slaughterhouse to demand benefits for us part-timers, and the company agreed to our terms.
- I met my future wife when I was 17 and she was 14. (We've since been married for 38 years.)
- Eventually I got my high school diploma, barely made it through college, and went to law school. I became an attorney and my main clients were poor people being sued by creditors.
- I made a good living at times and at other times I was forced to declare bankruptcy.

During the bad times I was hounded day and night by bill collectors. They sometimes got my 7-year-old daughter on the phone and worked her over. Once I ripped the phone out of the wall when one collector became especially abusive.

When I started this business I was determined to treat people with dignity and respect—unlike the way I was treated when I owed money.

We became successful because most customers really do want to repay their debts and get on with their lives, if only they're treated with dignity and respect. And that's my pledge about how we'll treat you.



Bill Bartmann
Founder, CFS II

"Bill Bartmann is a good steward! He has made a profound positive difference in the lives of so many."

– Mother Teresa



"Bill is living proof that business success and family values are not incompatible. He has demonstrated...the more you give, the more you get."

– Bill Cosby



"Bill is 'The Greatest' at helping people recognize and discover the champion hiding inside. He teaches people how to 'knockout' the negatives in their lives."

– Muhammad Ali



"Patron Saint of the Second Chance. A second chance. Who better to offer it than Bill Bartmann."

THE WALL STREET JOURNAL.

"Bill Bartmann has built a big business of bad debt. He also may have made bill collectors kinder and gentler. None of it would have happened if he hadn't gone broke."



"Bill Bartmann...put a seedy and inefficient industry on the road to respectability."

FORTUNE

"Although Bartmann lost his company, he managed to turn his loss into an opportunity that ... changed an entire industry."



"Determined to make good on what he owed, rather than declare bankruptcy, Bartmann persuaded his bank to lend him the money to get into...the debt collection business. He started by purchasing a cheap package of bad FDIC loans and from there built a ... reputation as the industry's kindest collector."

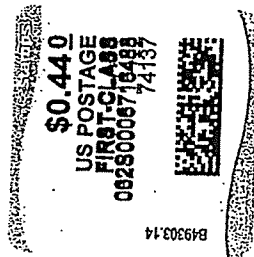
SUCCESS

"Bill Bartmann survived failure, remade one of the country's ugliest industries."



2488 E. 81st Suite 500
Tulsa, Ok 74137

Bruce A. Johnson
275 Burnett Ave SPC 115
Morgan Hill, CA 95037



95037+2633